

Application No.08/354,450
Amendment dated March 22, 2010
Reply to Office Communication of February 22, 2010

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Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claims 1-273 (canceled).

274. (currently amended) The method of claim ~~277~~273, wherein the member forms an included angle relative to the mid-longitudinal axis of the shaft of said rivet that is greater than 90 degrees.

275. (currently amended) The method of claim ~~277~~273, wherein the member forms an included angle relative to the mid-longitudinal axis of the shaft of said rivet that is less than 90 degrees.

Claim 276 (cancelled).

277. (currently amended) ~~A~~The method of claim 276 for holding pieces of tissue together with a tissue rivet, the method comprising the steps of:

providing the rivet having a shaft with a leading end for insertion first into the tissue, a trailing end opposite the leading end, a mid-longitudinal axis therebetween, and a member proximate the trailing end of the shaft, the member having a top, a bottom opposite the top, the bottom being adapted to contact tissue, at least a portion of the member being moveable relative to the shaft between an undeployed position where the bottom surface is not in contact with the tissue and a deployed position where the bottom surface contacts the tissue, the member having a first shape in the deployed position and a second shape in the undeployed position, the first shape being different from the second shape, wherein the rivet ~~having~~has a passageway between the leading and trailing ends of the shaft;

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engaging a driving instrument to the rivet, and the driving instrument including includes a handle, a shaft extending from the handle, and a face at a junction of the handle and the shaft of the driving instrument, the ~~step of~~ engaging including inserting the shaft of the driving instrument into the passageway until the face of the driving instrument contacts the top of the member;

inserting the rivet into the tissue until the bottom contacts the tissue; and
moving at least a portion of the member relative to the shaft to the
deployed position.

278. (currently amended) The method of claim ~~277~~²⁷⁶, wherein the step of engaging the driving instrument with the rivet is performed so that the driving instrument does not contact the bottom of the flexible member.
279. (currently amended) The method of claim ~~277~~²⁷³, wherein the step of inserting includes pushing the rivet into the tissue.
280. (currently amended) The method of claim ~~277~~²⁷³, wherein the step of inserting includes inserting the rivet into a portion of a meniscus of a human knee.
281. (previously presented) The method of claim 280, wherein the step of inserting includes inserting the leading end of the shaft into the meniscus in a direction away from the center of the knee.
282. (currently amended) The method of claim ~~277~~²⁷³, wherein the shaft has an exterior surface with at least one projection adapted to resist expulsion of the rivet from within the tissue, further comprising the step of compressing the pieces of tissue together between the at least one projection and the flexible member.

Claim 283 (cancelled).

284. (currently amended) The method of claim ~~286~~²⁸³, wherein the flexible member forms an included angle relative to the mid-longitudinal axis of the shaft of said rivet that is greater than 90 degrees.

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285. (currently amended) The method of claim ~~286~~283, wherein the flexible member forms an included angle relative to the mid-longitudinal axis of the shaft of said rivet that is less than 90 degrees.
286. (currently amended) ~~A~~The method of claim ~~283~~, wherein for holding pieces of tissue together with a tissue rivet, the method comprising the steps of:
- providing the rivet having a shaft with a leading end for insertion first into the tissue, a trailing end opposite the leading end, and a flexible member proximate the trailing end of the shaft, the flexible member having a top and a bottom opposite the top, the rivet havinghas a passageway between the leading and trailing ends of the shaft; and
- engaging a driving instrument to the rivet, the driving instrument includingincludes a handle, a shaft extending from the handle, and a face at a junction of the handle and the shaft of the driving instrument, the ~~step of~~engaging including inserting the shaft of the driving instrument into the passageway until the face of the driving instrument contacts the top of the flexible member; and
- inserting the rivet into the tissue until the bottom of the flexible member contacts the tissue and the flexible member deforms to conform to the curvature of the tissue adjacent the rivet.
287. (previously presented) The method of claim 286, wherein the step of engaging the driving instrument with the rivet is performed so that the driving instrument does not contact the bottom of the flexible member.
288. (currently amended) The method of claim ~~286~~283, wherein the step of engaging includes snap-fitting the rivet onto a portion of the driving instrument.

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289. (currently amended) The method of claim 286283, wherein the step of inserting includes pushing the rivet into the tissue.
290. (currently amended) The method of claim 286283, wherein the step of inserting includes inserting the rivet into a portion of a meniscus of a human knee.
291. (previously presented) The method of claim 290, wherein the step of inserting includes inserting the leading end of the shaft into the meniscus in a direction away from the center of the knee.
292. (currently amended) The method of claim 286283, wherein the shaft has an exterior surface with at least one projection adapted to resist expulsion of the rivet from within the tissue, further comprising the step of compressing the pieces of tissue together between the at least one projection and the flexible member.

Claims 293 and 294 (cancelled).

295. A~~The method of claim 294, wherein~~for holding pieces of tissue together with a tissue rivet, the method comprising the steps of:

providing the tissue rivet having a shaft with a leading end for insertion first into the tissue, a trailing end opposite the leading end, and a member proximate the trailing end of the shaft, the member having a top, a bottom opposite the top, and an outer perimeter, the rivet havinghas a passageway between the leading and trailing ends of the shaft; ~~and~~

engaging a driving instrument to the rivet, the driving instrument includingincludes a handle, a shaft extending from the handle, and a face at a junction of the handle and the shaft of the driving instrument, the step of engaging including inserting the shaft of the driving instrument into the passageway until the face of the driving instrument contacts the top of the member; and

inserting the rivet into the tissue until the bottom of the member contacts the tissue, at least a first portion of the bottom adjacent to the outer perimeter of

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the member being at an acute angle relative to the mid-longitudinal axis of the shaft, at least a second portion of the bottom adjacent to the outer perimeter of the member being at an obtuse angle relative to the mid-longitudinal axis of the shaft.

- 296. (currently amended) The method of claim 295294, wherein the step of engaging the driving instrument with the rivet is performed so that the driving instrument does not contact the bottom of the flexible member.
- 297. (currently amended) The method of claim 295293, wherein the step of inserting includes pushing the rivet into the tissue.
- 298. (currently amended) The method of claim 295293, wherein the step of inserting includes inserting the rivet into a portion of a meniscus of a human knee.
- 299. (previously presented) The method of claim 298, wherein the step of inserting includes inserting the leading end of the shaft into the meniscus in a direction away from the center of the knee.
- 300. (currently amended) The method of claim 295293, wherein the shaft has an exterior surface with at least one projection adapted to resist expulsion of the rivet from within the tissue, further comprising the step of compressing the pieces of tissue together between the at least one projection and the flexible member.